

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Apr 11, 2025**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

LOGAN D. DECHENNE,

Plaintiff,

v.

CITY OF SPOKANE, TAMI M.  
CHAVEZ, AND CONNOR  
TANGEMAN,

Defendants.

NO. 2:25-CV-0050-TOR

ORDER GRANTING DEFENDANTS'  
MOTIONS TO DISMISS

BEFORE THE COURT are Defendants' Motions to Dismiss. ECF Nos. 4 and 6. This matter was submitted for consideration without oral argument. The Court has reviewed the record and files herein and is fully informed. For the reasons discussed below, Defendants' Motions to Dismiss are **GRANTED**.

1 **BACKGROUND**

2 Plaintiff's Complaint alleges violations of 42 U.S.C. § 1983 for seizing  
3 Plaintiff's Glock 19 pistol, violation of Plaintiff's Second Amendment right to bear  
4 arms, and denying him a hearing or opportunity to contest the seizure. See ECF  
5 No. 1.

6 Defendants seek dismissal because the Spokane County Superior Court  
7 Commissioner Chavez signed an order for the seizure of Plaintiff's firearm as part  
8 of a Temporary Protection Order and Hearing Notice and an Order to Surrender  
9 and Prohibit Weapons against Plaintiff.

10 **DISCUSSION**

11 Defendants move to dismiss Plaintiff's complaint for failure to state a claim  
12 pursuant to Fed. R. Civ. P. 12(b)(6). A motion to dismiss for failure to state a  
13 claim "tests the legal sufficiency" of the plaintiff's claims. *Navarro v. Block*, 250  
14 F.3d 729, 732 (9th Cir. 2001). To withstand dismissal, a complaint must contain  
15 "enough facts to state a claim to relief that is plausible on its face." *Bell Atl. Corp.*  
16 *v. Twombly*, 550 U.S. 544, 570 (2007). "A claim has facial plausibility when the  
17 plaintiff pleads factual content that allows the court to draw the reasonable  
18 inference that the defendant is liable for the misconduct alleged." *Ashcroft v.*  
19 *Iqbal*, 556 U.S. 662, 678 (2009) (citation omitted). This requires the plaintiff to  
20 provide "more than labels and conclusions, and a formulaic recitation of the

1 elements.” *Twombly*, 550 U.S. at 555. While a plaintiff need not establish a  
2 probability of success on the merits, he or she must demonstrate “more than a sheer  
3 possibility that a defendant has acted unlawfully.” *Iqbal*, 556 U.S. at 678.

4 When analyzing whether a claim has been stated, the Court may consider the  
5 “complaint, materials incorporated into the complaint by reference, and matters of  
6 which the court may take judicial notice.” *Metzler Inv. GMBH v. Corinthian*  
7 *Colleges, Inc.*, 540 F.3d 1049, 1061 (9th Cir. 2008) (citing *Tellabs, Inc. v. Makor*  
8 *Issues & Rights, Ltd.*, 551 U.S. 308, 322 (2007)). A complaint must contain “a  
9 short and plain statement of the claim showing that the pleader is entitled to relief.”  
10 Fed. R. Civ. P. 8(a)(2). A plaintiff’s “allegations of material fact are taken as true  
11 and construed in the light most favorable to the plaintiff[,]” however “conclusory  
12 allegations of law and unwarranted inferences are insufficient to defeat a motion to  
13 dismiss for failure to state a claim.” *In re Stac Elecs. Sec. Litig.*, 89 F.3d 1399,  
14 1403 (9th Cir. 1996) (citation and brackets omitted).

15 In assessing whether Rule 8(a)(2) has been satisfied, a court must first  
16 identify the elements of the plaintiff’s claim(s) and then determine whether those  
17 elements could be proven on the facts pled. The court may disregard allegations  
18 that are contradicted by matters properly subject to judicial notice or by exhibit.  
19 *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir. 2001). The court  
20

1 may also disregard conclusory allegations and arguments which are not supported  
2 by reasonable deductions and inferences. *Id.*

3 The Court “does not require detailed factual allegations, but it demands  
4 more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Iqbal*,  
5 556 U.S. at 662. “To survive a motion to dismiss, a complaint must contain  
6 sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible  
7 on its face.’” *Id.* at 678 (citation omitted). A claim may be dismissed only if “it  
8 appears beyond doubt that the plaintiff can prove no set of facts in support of his  
9 claim which would entitle him to relief.” *Navarro*, 250 F.3d at 732.

10 Commissioner Chavez issued a Temporary Protection Order and an Order to  
11 Surrender and Prohibit Weapons against Plaintiff. Commissioner Chavez has  
12 absolute judicial immunity for performing her role as a judge. *Taggart v. State*,  
13 118 Wn.2d 195, 203 (1992); *Pierson v. Ray*, 386 U.S. 547 (1967).

14 Officer Tangeman’s conduct did not violate Plaintiff’s constitutional rights.  
15 Officer Tangeman role in this matter arose from his mandatory duty to take  
16 Plaintiff’s firearm pursuant to the Order of the Spokane County Superior Court,  
17 and therefore he is entitled to quasi-judicial immunity from Plaintiff’s claims.  
18 *Saucier v. Katz*, 533 U.S. 194, 201 (2001); *Pearson v. Callahan*, 555 U.S. 223, 236  
19 (2009). The City of Spokane only operated through Commissioner Chavez and  
20

1 Officer Tangeman who are both immune from suit. So, the City of Spokane is also  
2 immune from this suit.

3 **ACCORDINGLY, IT IS HEREBY ORDERED:**

4 Defendants' Motions to Dismiss, ECF Nos. 4 and 6, are **GRANTED**.

5 This case is **DISMISSED with Prejudice**.

6 The District Court Executive is directed to enter this Order, furnish copies to  
7 counsel, enter Judgment for Defendants, and **CLOSE** the file.

8 **DATED** April 11, 2025.



*Thomas O. Rice*  
THOMAS O. RICE  
United States District Judge